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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on July 8, 2008

Date of Meeting: April 15, 2008

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m., on Tuesday, April 15, 2008, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

|                  |   |
|------------------|---|
| Regina Romero    | Council Member Ward 1                         |
| Rodney Glassman  | Council Member Ward 2                         |
| Karin Uhlich     | Council Member Ward 3                         |
| Shirley C. Scott | Council Member Ward 4 (Electronic Attendance) |
| Steve Leal       | Council Member Ward 5                         |
| Nina J. Trasoff  | Vice Mayor, Council Member Ward 6             |
| Robert E. Walkup | Mayor   |

Absent/Excused: None

Staff Members Present:

|                   |                     |
|-------------------|---------------------|
| Mike Hein         | City Manager        |
| Michael Rankin    | City Attorney       |
| Roger W. Randolph | City Clerk          |
| Mike Letcher      | Deputy City Manager |

Roger W. Randolph, City Clerk, announced Council Member Scott was unable to be present for the evening's meeting, but she would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Scott advised the City Clerk of her location, and assured him that no one else was present in the room with her. Council Member Scott could vote on all matters in the same way as those members physically present as long as she participated in any of the discussion, and was not just present for the vote. On the evening's agenda, all votes would be done by roll call rather than a voice vote.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Glenn Alden of the Sunrise Chapel Swedenborgian, after which the Pledge of Allegiance was led by representatives from Youth on Their Own.

Presentations:

- a. Mayor Walkup, assisted by Vice Mayor Trasoff, presented a congratulatory letter to the Rincon/University High School Marching Band Association for their upcoming performance at Carnegie Hall. Eric Lehnhardt, Sarah Tang, and Ashley Pothier accepted the letter.
- b. Mayor Walkup proclaimed the month of April to be "Month of the Young Child." Jessica Brisson accepted the proclamation.
- c. Mayor Walkup presented certificates to Mitchell and Mariah from the Little Angels Learning Center, and Cottonwood Enrichment Center for their winning art work.
- d. Mayor Walkup presented the Western Region – International Public Management Association Human Resources Agency Award for Excellence to the Human Resources Department. Cindy Bezaury, Human Resources Director, and Suzanne Machain, Deputy Human Resources Director, accepted the award.

Roger W. Randolph, City Clerk, announced Delfina Kerdels would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 168, dated April 15, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Uhlich announced the Ward 3 office would hold an Annual Spring Sparkman Butterfly Garden Cleanup on April 19. This would be an opportunity to learn which native plants attract butterflies.
- b. Council Member Glassman thanked Mayor Walkup for attending the Ward 2 Lunch with the Mayor, and delivering a brief State of the City report.

Council Member Glassman announced on May 16, Bloom Elementary School would be having a ribbon-cutting event to kick off the shared park-school concept.

Council Member Glassman announced the loss of Violet Elias, who was a long time Tucsonan and a significant part of our community. She was also the mother Richard Elias, Chairman of the Board of Supervisors, and Albert Elias, Director of Urban Planning and Design.

- c. Vice Mayor Trasoff announced April was Victim Rights Month. She attended a meeting in the park at the Library, in which many social services dealing with victims also attended.

Vice Mayor Trasoff announced that she, and the Mayor, were pleased to watch the demolition of the north end of Fourth Avenue underpass, which was the next phase on the way to the completion of the new underpass.

- d. Council Member Romero announced that the agency Your Voice Counts, an arm of the Southern Arizona Center Against Sexual Assault, was turning ten years old, and would be celebrating Victims Awareness Month at the El Pueblo Neighborhood Center on April 18.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 169, dated April 15, 2008, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 170, dated April 15, 2008, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Quick Pic #3, Ward 4  
8601 E. Golf Links Road  
Applicant: Mukesh K. Jain  
Series 10, City 18-08  
Action must be taken by: April 21, 2008  
Staff has indicated the applicant is in compliance with city requirements.
2. Buddy's Grill, Ward 4  
7385 S. Houghton Rd., Suite 125, 124, 1/2 of 123  
Applicant: Arthur Thomas Owens  
Series 12, City 20-08  
Action must be taken by: May 1, 2008  
Staff has indicated the applicant is in compliance with city requirements.
3. Wal-Mart Store #1291, Ward 2  
7150 E. Speedway  
Applicant: Clare Hollie Abel  
Series 10, City 21-08  
Action must be taken by: May 1, 2008  
Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

4. Wal-Mart Store #1325, Ward 3  
455 E. Wetmore  
Applicant: Clare Hollie Abel  
Series 10, City 23-08  
Action must be taken by: May 1, 2008  
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer(s)

5. The Mint, Ward 6  
3540 E. Grant Road  
Applicant: Carlton Edwin Van Gorder  
Series 6, City 22-08  
Action must be taken by: May 2, 2008  
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer(s)

6. Hilltop Market, Ward 1  
1843 W. Ajo Way  
Applicant: Linda Kamal Barakat  
Series 9, City 19-08  
Action must be taken by: April 25, 2008  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Argument Opposed Filed

This item was considered separately.

c. Special Event(s)

1. Catalina Rotary Club, Ward 3  
4502 N. 1st Ave.  
Applicant: Thomas Whitford Jones  
City T24-08  
Date of Event: May 3, 2008  
(Fund raising event to support local charities)  
Staff has indicated the applicant is in compliance with city requirements.
2. Pantano Rotary, Ward 3  
2445 N. Tucson Blvd.  
Applicant: Richard Allan Hodges  
City T27-08  
Date of Event: May 3, 2008  
(To raise money for charitable giving)  
Staff has indicated the applicant is in compliance with city requirements.
3. Tucson Pima Arts Council's ArtWorks Academy, Ward 1  
140 N. Main Ave.  
Applicant: Roberto Bedoya  
City T29-08  
Date of Event: April 25, 2008  
(Fundraiser for ArtWorks Academy)  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Uhlich, duly seconded, to forward liquor license applications 5b1 and 5b2, 5b4 and 5b5, and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

The motion to forward liquor license applications 5b1 and 5b2, 5b4 and 5b5, and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval was declared passed, by a roll call vote of 7 to 0.

## **5. LIQUOR LICENSE APPLICATIONS**

### **b. Liquor License Applications**

#### **New License(s)**

3. Wal-Mart Store #1291, Ward 2  
7150 E. Speedway  
Applicant: Clare Hollie Abel  
Series 10, City 21-08  
Action must be taken by: May 1, 2008  
Staff has indicated the applicant is in compliance with city requirements.

Roger W. Randolph, City Clerk, said the application to be considered separately was Item 5b3, Wal-Mart Store #1291, located in Ward 2.

Council Member Glassman announced he wanted to deal with this application separately, because he wanted to share a practice that Ward 2 had started with the rest of the Council, and perhaps entice the other Council wards to utilize the same practice. One of the things that Ward 2 has been doing on new liquor license applications, was to ask the applicant to meet with Mothers Against Drunk Driving (MADD). He explained the organization was dedicated to safeguarding the community in matters that involved issues related to alcohol. Also, on multiple occasions, Kelly Larkin, the Executive Director for MADD, took the time to come to the Ward 2 office to meet with the applicants.

MADD had certain perimeters that they support to ensure the safeguarding of liquor in the community, and included was a letter written from MADD in support of this particular application. Council Member Glassman asked that the letter be included with the recommendation.

It was moved by Council Member Glassman, duly seconded, to forward liquor license application 5b3 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

The motion to forward liquor license application 5b3 to the Arizona State Liquor Board with a recommendation for approval was passed by a roll call vote of 7 to 0.

## **5. LIQUOR LICENSE APPLICATIONS**

### **b. Liquor License Applications**

#### **Person/Location Transfer(s)**

6. Hilltop Market, Ward 1  
1843 W. Ajo Way  
Applicant: Linda Kamal Barakat  
Series 9, City 19-08  
Action must be taken by: April 25, 2008  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, said the next application to be considered separately was Item 5b6, Hilltop Market, located in Ward 1.

Council Member Romero said there was a written argument in opposition to the Hilltop Market. This was a person transfer, and the market has been there for more than ten years. She asked if the person who sent the written argument was present, and wanted to speak against this liquor license application. Hearing no one, she asked if the owner of Hilltop Market, or the representative for Linda Kamal Barakat was present.

Thomas Aguilera from the Aguilera Law Group, represented the owner, Linda Barakat. He said he previously spoke with the Ward 1 staff, and they assured him their conversation would be shared with Council Member Romero. He said he was there to answer any questions.

Council Member Romero said she wanted to reiterate that across the street there was a library, and down the street was the Lynn Urquides Elementary School. She wanted to make sure that the new owner was aware of, would be careful who they sold liquor to, and would be responsive to the neighbors that surrounded the business.

Mr. Aguilera said his client was an experienced licensee, and it was actually lucky to have somebody with that kind of experience at that location.

Council Member Romero said besides being lucky to have a person with that type of experience, she wanted to hear from the owner to ensure the Council, and the neighborhood, that they would be responsible business owners in the area.

Mr. Aguilera said the owner was in Phoenix, and was not able to be at the Mayor and Council meeting. Otherwise, she would have been present.

Council Member Romero repeated that she hoped to hear from the owner, to make sure they would engage in responsible business practices.

Mr. Aguilera apologized, and asked Council Member Romero if she wanted the owner to call her.

Council Member Romero said she just wanted to make sure that this was where she was headed.

Mr. Aguilera said the owner absolutely was headed in that direction. For the owner to invest in that much money, then violate the law would be a huge mistake. She was simply going to continue her practices of being really aware.

Mr. Aguilera complimented the Ward 1 staff for following the Ward 2 procedure in having new applicants meet with the Mothers Against Drunk Driving (MADD) prior to proceeding the application. He said this was a great practice, and he sensed the other Wards would follow suit. Both he and his client had that awareness, and would make sure the owner would keep that information in the forefront of her mind.

It was moved by Council Member Romero, duly seconded, to forward liquor license application 5b6 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and  
Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None



Absent/Excused: None

The motion to forward liquor license applications 5b6 to the Arizona State Liquor Board with a recommendation for approval was passed by a roll call vote of 7 to 0.

## **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations. The call to the audience was scheduled to last thirty minutes.

- a. Joe Sweeney reminded the Mayor and Council about the encroachment by illegal immigrants in the community and hospitals.
- b. Bill Sheldon spoke in opposition of renaming the Udall Center.

Mayor Walkup asked Council Member Glassman to talk to the speaker regarding his concern.

Council Member Glassman assured the audience that the intentions were not to rename the Morris K. Udall Park, or the Center. There was an addition that was built within the past ten years, called the Senior Addition at Udall Park. The proposal that was working its way through the City government, and put forth by the senior group at Udall Park, was to add the name Carol West to the Senior Addition. The name that was proposed was the Carol West Senior Center at the Morris K. Udall Park. He said he would never take away the naming rights of such an influential individual that had such an impact on the community, and the nation.

## **7. CONSENT AGENDA – ITEMS A THROUGH G**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

### **A. APPROVAL OF MINUTES**

- 1. Report from City Manager APRIL15-08-174 CITY-WIDE
- 2. Approval of minutes for the regular meeting of the Mayor and Council held on November 13, 2007.

### **B. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENT TO THE CIVIL SERVICE COMMISSION**

- 1. Report from City Manager APRIL15-08-175 CITY-WIDE

2. Resolution No. 20926 relating to Civil Service Commission; appointing a Commissioner; fixing annual compensation; and declaring an emergency.
- C. REAL ESTATE: SUPPLEMENTAL LEASE AGREEMENT NUMBER 2 FOR PROPERTY LOCATED AT 3200 NORTH SILVERBELL ROAD
1. Report from City Manager APRIL15-08-173 WARD 1
  2. Ordinance No. 10519 relating to real estate; authorizing and approving Supplemental Lease Agreement No. 2 between the United States of America and the City of Tucson for the property located at 3200 North Silverbell Road; and declaring an emergency.
- D. BOARDS, COMMITTEES, AND COMMISSIONS: CREATING THE CITY/COUNTY WATER AND WASTEWATER STUDY OVERSIGHT COMMITTEE
1. Report from City Manager APRIL15-08-178 CITY-WIDE and OUTSIDE CITY
  2. Resolution No. 20927 relating to Boards and Commissions; creating the City/County Water and Wastewater Study Oversight Committee; and declaring an emergency.
- E. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO TUCSON UNIFIED SCHOOL DISTRICT FOR THE 22ND ANNUAL AFRICAN AMERICAN STUDENT RECOGNITION PROGRAM
1. Report from City Manager APRIL15-08-179 WARD 3
  2. Resolution No. 20910 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Ward 3 Office Community Support Fund, Account No. 001-183-1898-268, to the Tucson Unified School District (TUSD) African American Studies Department for their 22<sup>nd</sup> Annual African American Student Recognition Program; and declaring an emergency.
- This is a request by Council Member Uhlich. Allocation of funds is as follows:  
Council Member Uhlich - \$100.00
- F. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE RECIPROCAL USE OF FACILITIES FOR PUBLIC RECREATION ACTIVITIES
1. Report from City Manager APRIL15-08-181(2) CITY-WIDE

2. Resolution No. 20928 relating to Intergovernmental Agreements; approving and authorizing execution of Intergovernmental Agreement between the City of Tucson and Tucson Unified School District No. One for the reciprocal use of facilities for public recreation activities; and declaring an emergency

G. REAL PROPERTY: SALE OF SURPLUS PROPERTY LOCATED AT 330 NORTH HOFF

1. Report from City Manager APRIL15-08-180 WARD 6

Staff has reconsidered and will not be recommending this item.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through G, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Vice Mayor Trasoff asked the City Attorney, Michael Rankin, for clarification. She said under Item G, there was a statement stating that staff had reconsidered and would not be recommending this item. So by voting for this, the Council would not be voting to sell this against staff recommendation.

Michael Rankin, City Attorney, concurred and stated there would be no action on that item.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

Consent Agenda Items A through F, were declared passed and adopted by a roll call vote of 7 to 0.

**8. WATER: INITIATING THE PROCESS TO INCREASE WATER RATES**

Mayor Walkup announced City Manager's communication number 176, dated April 15, 2008, was received into and made a part of the record. He asked the City Clerk to read Resolution 20925 by number and title only.

Resolution No. 20925 relating to water; approving and authorizing the Citizens' Water Advisory Committee (CWAC) Rate Recommendations; approving the publication of a Notice of Intention to increase certain water rates and fees; scheduling a public hearing on the above referenced rates and fees; and declaring an emergency.

It was moved by Vice Mayor Trasoff, duly seconded, to initiate the legal process to increase water rates by passing and adopting Resolution 20925, adopting the Notice of Intention to increase water rates as required by State law, filing a report with the City Clerk that includes the proposed rate schedule; and setting May 20, 2008, as the public hearing date on the Citizens' Water Advisory Committee (CWAC) recommended rate schedule.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

Resolution 20925 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member Romero asked for clarification, if this included what was discussed during Study Session.

Michael Rankin, City Attorney, stated the Study Session direction was already accomplished, and stood on its own. So we would proceed, and come back on May 20, 2008, as directed earlier.

**9. ZONING: (C9-07-33) QUEBEDEAUX – 1ST STREET, R-3 TO P AND C-2, CITY MANAGER'S REPORT**

Mayor Walkup announced City Manager's communication number 177, dated April 15, 2008, was received into and made a part of the record. He said this was a request to rezone property located on the northeast corner of Holly Avenue and 1st Street. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or representative were present, and if they were agreeable to the proposed requirements.

Mike Marks, MJM Consulting, said he was agreeable to all of the proposed requirements.

Vice Mayor Trasoff commented that it had been a long process, and appreciated the fact that the applicant involved the neighborhoods, listened to the neighborhoods, and was responsive to their concerns. The neighborhood association was also in agreement with the plans. However, there was just one point that she wanted to highlight. Any new structures on the property that would be rezoned would need a neighborhood meeting and a public hearing before the Mayor and Council. So, if there would be any changes on what was now a parking lot to construct a new building, it would require the record to be reviewed by Mayor and Council prior to being passed and adopted. She asked the applicant if he was comfortable with that.

Mr. Marks said that was something they had worked out with the neighbors and the staff. This was part of the record as one of the conditions in the package before the Council, and he was agreeable to those conditions.

It was moved by Vice Mayor Trasoff, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

The motion to authorize the request for rezoning as recommended by the Zoning Examiner, were passed by a roll call vote of 7 to 0.

**10. ZONING: (C9-02-07) PEPPER-VINER - DOS HOMBRES ROAD, SR TO R-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 172, dated April 15, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10518 by number and title only.

Ordinance No. 10518 relating to zoning: amending zoning district boundaries in the area located on the west side of Dos Hombres Road, approximately 200 feet north of Tanque Verde Road in Case C9-02-07, Pepper-Viner - Dos Hombres Road, SR to R-1; and setting an effective date.

Council Member Glassman announced this rezoning was approved back in June 28, 2004, and he was cleaning up something that was old. The final plat and assurances for the subdivision were approved, but the rezoning never had an ordinance. This was not one of his ordinances, but glad to move it forward.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Ordinance 10518.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

Ordinance 10518 was declared passed and adopted by a roll call vote of 7 to 0.

## **11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 171, dated April 15, 2008, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Leal, duly seconded, to appoint Martha W. Gilliland, Ph.D. to the Citizens' Water Advisory Committee.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Absent/Excused: None

The motion to appoint Martha W. Gilliland Ph.D. to the Citizens' Water Advisory Committee was passed by a roll call vote of 7 to 0.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Romero announced her appointment of Betty Villegas to the Tucson Convention Center Commission, Joe Rodriguez to the Tucson Greens Committee, and Rick Lavaty to the Planning Commission.

Council Member Scott announced her appointment of Vincent Vasquez to the Citizens' Water Advisory Committee.

**12. ADJOURNMENT: 6:26 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 22, 2008, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 15th day of April 2008, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ccs:sac